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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

v.

**PIROUZ SEDAGHATY, et al.,**

Defendants.

**CR 05-60008-HO**

**GOVERNMENT'S MOTION FOR  
RECIPROCAL DISCOVERY**

COMES NOW the government, by and through Karin J. Immergut, United States Attorney for the District of Oregon, and Charles F. Gorder, Jr., and Christopher L. Cardani, Assistant United States Attorneys, and hereby moves the court for an order directing the defendant to provide reciprocal discovery under Federal Rule of Criminal Procedure 16(b).

After receiving requests for discovery from counsel for the defendant, the government made available approximately over 1500 pages of discovery, which included items to which the defendants are entitled under Federal Rule of Criminal Procedure 16(a).

By his discovery requests, the defendant has invoked Federal Rules of Criminal Procedure 16(a)(1)(E) and the government has agreed to comply with the requirements of Rule 16(a)(1)(E). Thus, the provisions of Rule 16(b), the pertinent portions of which are cited below, are now applicable:

(b) Defendant's Disclosure.

(1) Information Subject to Disclosure.

(A) Documents and Objects. If a defendant requests disclosure under Rule 16(a)(1)(E) and the government complies, then the defendant must permit the government, upon request, to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of any of these items, if:

(i) the item is within the defendant's possession, custody, or control; and

(ii) the defendant intends to use the item in the defendant's case-in-chief at trial.

(B) Reports of Examinations and Tests. If the defendant requests disclosure under Rule 16(a)(1)(F) and the government complies, the defendant must permit the government, upon request, to inspect and to copy or photograph the results or reports of any physical or mental examinations and of any scientific test or experiment if:

(i) the item is within the defendant's possession, custody, or control; and

(ii) the defendant intends to use the item in the defendant's case-in-chief at trial, or intends to call the witness who prepared the report and the report relates to the witness's testimony.

(C) Expert Witness. – The defendant must, at the government's request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if –

(i) the defendant requests disclosure under subdivision (a)(1)(G) and the government complies; or

(ii) the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

The summary must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

Thus, Rule 16(b) should presently be determined to be operable as to the defendant. The government, pursuant to Rule 16(b), hereby requests that the court order the defendant to permit the government to inspect and to copy or photograph any and all books, papers, documents, data, photographs, tangible objects, or make copies of portions thereof, which are within the possession, custody or control of the defendants and which any defendant intends to use in his case-in-chief at trial. Rule 16(b)(1)(A).

Such production should include, but not be limited to:

- (1) Any bank or financial records which the defendant intends to introduce at trial;
- (2) Any records, to include bookkeeping records, correspondence, e-mails, and minutes of meetings, of the Al-Haramain organization in Saudi Arabia or any branch or affiliated organization of Al-Haramain, whether in the United States, Russia, Chechnya, or any other place in the world, which the defendant intends to use in his case-in-chief at trial;
- (3) Any records of the Saudi Joint Relief Committee ("SJRC") which the defendant intends to use in his case-in-chief at trial;
- (4) A copy of Exhibit 2 of the letter of Tom Nelson to AUSA Chris Cardani dated January 26, 2005 (Al Rahji bank document); and,
- (5) All other documents within Rule 16(b)(1)(A).

The government further requests that it be permitted to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments

made in connection with this case, which are in the possession or control of the defendant, which the defendant intends to introduce as evidence in his case-in-chief at the trial or which were prepared by a witness whom the defendant intends to call to testify at the trial. Rule 16(b)(1)(B).

The government further requests a written summary of the testimony of any expert witness which the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence at trial, including the witness's qualifications and bases and reasons for his or her opinion. Rule 16(b)(1)(C),

The government also requests that the court make such orders as it deems necessary under Rule 16(d)(1) and (2) to insure that the government receives the discovery to which it is entitled.

Dated this 28th day of April 2008.

Respectfully submitted,

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United States Attorney

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CHARLES F. GORDER, JR.  
Assistant United States Attorney

s/ Christopher L. Cardani  
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